

RECOVERY OF COSTS FOR POLICE SERVICES.

- A. If a City of Mesa police officer responds to any disruptive party, gathering or event anywhere within the City limits, and the police officer determines there is a threat to the public peace, health, safety or general welfare, any person responsible for the disruptive party, gathering or event ("responsible party") is liable for the reasonable costs of a second or subsequent response by the police to that incident or for a response to the same location for another disruptive party, gathering or event within a ninety (90) day period.
- B. If a City of Mesa police officer responds to any disruptive party, gathering or event, and the police officer determines there is a threat to the public peace, health, safety or general welfare, the officer shall issue the responsible party a written warning advising that a second or subsequent response within ninety (90) days will result in liability for the reasonable costs of the second or subsequent police response.
- C. The second or subsequent police response, may also result in the arrest or citation of violators of state law or City of Mesa ordinances.
- D. A responsible party is not liable for costs under this section unless issued the written notice required by paragraph B. The owner of the property where a disruptive party, event or gathering occurred is liable under this section if the City sent the owner the notice required by paragraph B and a subsequent disruptive party, gathering or event occurs within ninety (90) days of mailing the notice to the owner.
- E. The charge constitutes a debt of that person and is collectible by the City in the same manner as in the case of an obligation under a contract.
- F. The City may waive the costs of a second or subsequent response if any responsible party initiates a request for a police response and assists the police in dispersing persons attending the disruptive party, gathering or event.
- G. For purposes of this section, unless the context otherwise requires:
 - 1. Reasonable costs includes the salaries of the responding police officers, at the salary then in effect for each classification of each individual officer, for the amount of time actually spent in responding to or remaining at the party, gathering or event; appropriate overhead; the actual cost of any medical treatment to injured officers; and the cost of repairing any damaged City equipment or property.
 - a. A person's liability under this section shall not exceed one thousand dollars (\$1,000.00) for each incident; however, the City does not wave its right to seek reimbursement for reasonable costs exceeding one thousand dollars (\$1,000.00) through other legal remedies or procedures.
 - 2. A "disruptive party, gathering or event" means a group of five or more persons who have assembled or are assembling in a manner, which constitutes a substantial disturbance of the quiet enjoyment of private or public property. This includes, but is not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to underage persons, fights, disturbances of the peace and litter.

3. "Responsible party" means a person who owns the property, any person in actual or lawful control or possession of the premises, and any person who organized the party, gathering, or event. If two or more persons are responsible for the party, gathering or event such persons shall be jointly and severally liable for the reasonable costs of a second or subsequent response. If the person responsible for the party, gathering or event is a minor, the parents or guardian having custody or control of the minor shall be jointly and severally liable with such minor for the reasonable costs of a second or subsequent response.

H. Hearing procedures.

1. A person liable for the costs of a police response under this section may, within ten days of receipt of notice of the costs imposed request a hearing with a civil hearing officer designated by the City of Mesa Civil Hearing Office.
2. Hearing Officers authorized by 1-27-8 may preside over hearings required by this section and the Hearing Officer shall set a time and place for the hearing as soon as practicable.
3. The hearing shall be conducted in an informal process to determine whether there is a sufficient factual and legal basis to impose the costs of the police response and the reasonableness of the amount. The rules of evidence shall not apply, provided that the decision of the Hearing Officer shall in all cases be based upon substantial and reliable evidence. All parties to the hearing shall have the right to present evidence. The Police Department shall have the burden of establishing by a preponderance of evidence that the costs of the police response should be imposed and the amount is reasonable under the circumstances.



**CITY OF
MESA**

Great People, Quality Service!

Information provided by the
Mesa Police Department
(480) 644-2211

Mesa City Ordinance Police Response To Disruptive Parties, Gatherings and Events

What does a disruptive party include?

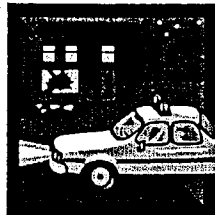
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streets by crowds or vehicles, public drunkenness, the service of alcohol to underage persons, fights, disturbances of the peace and litter.

What does the police service fee include?

The salaries of the police officers who respond based on time spent at the event, and may include any damage to city equipment or medical treatment, if needed.



What happens if a citizen calls the police?

If the activity is determined to be a threat to the peace, health, safety or general welfare of the public, a Police Response Fee Notice will be issued to the responsible party, explaining the potential consequences for subsequent police response to loud parties, gatherings and events.



What happens if police respond a second or subsequent time?

If police respond a second or subsequent time, the responsible party will receive a written notice. This notice indicates the responsible party will be assessed a police service fee. The responsible party will continue to be liable for any additional parties, gatherings or events for ninety days from the event.



Appeals to the police service fee must be made within ten days of receipt of notice. Appeals will be heard by a Hearing Officer designated by the City Manager.

For more information contact the Mesa Police Department at (480) 644-2211, or visit our web site at www.cityofmesa.org/police.